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CENTENNIAL EXPOSITION.

SPEECH

OF

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HON. THOMAS M. NORWOOD,

OF GEORGIA,

IN THE

SENATE OF THE UNITED STATES,

FEBRUARY 10, 1876.

WASHINGTON.

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SPEECH

OF

HON. THOMAS M. NORWOOD.

The Senate having under consideration the bill (H. R. No. 514) relating to the centennial celebration of American Independence—

Mr. NORWOOD said:

Mr. PRESIDENT: We read in an eastern story of an orphan princess who, hearing and believing that in a distant land and on the summit of a lofty mountain there were precious treasures, commissioned a brother to make the journey in order to obtain them for her. He went, and arriving at the base of the mountain, met an aged man who told him that in ascending he would hear threats of violence, and should he heed them and look back he would turn to stone and fall on the mountain-side. He began to ascend, and hearing the predicted threats, he became alarmed, looked back, and turned to stone. Another brother made the attempt, and not heeding the counsel given, he met the same fate. The princess then undertook the perilous journey, and when told of the dangers, she stopped her ears, fixed her eyes on the summit turned neither to the right nor the left, ascended to the top, and secured the treasures.

Five years ago the State of Georgia, queenly even in her desolation, believing that in the future upon the lofty plain of constitutional justice and equality were the treasures of peace and prosperity in reserve for her, commissioned one of her humblest sons to assist in the endeavor to secure those blessings for her. He came, and before entering upon the labor assigned to him he was told of the taunts and sneers and jeers he would hear around him; but at the outset he resolved that, fixing his eye upon the blessings which his mother so much needed and desired, he would neither look to the right nor to the left, but press onward and upward in the endeavor to secure them. How far that resolution has been kept he leaves to the judgment of his brother Senators, republicans and democrats, and to the records of this Senate. He has discussed party politics freely and boldly, but has never uttered a word in this Chamber that was sectional in its character or calculated to wound the honor or the pride of any man from any section of this Union.

But why this reference, it may be asked. Because, sir, since the

discussion on this amnesty bill, in Congress, on the streets, in the press, it has been said that the vote of a southern man upon this question was to be regarded as a test of his patriotism. Sir, if to vote away millions of money upon a power which some of us believe to be unconstitutional, and which many of us believe to be at the best doubtful, and which others still believe to be inexpedient and unwise, be the test of patriotism, I am free to say that I do not love my country. These remarks, again, are suggested by the words which fell from the lips of a Senator in discussing this question on yesterday. He said, if I be not mistaken, that it was "indecent and mean" not to make this appropriation. As a matter of course, those who vote against the bill must be indecent and mean.

Mr. MORTON. With the Senator's permission—

Mr. NORWOOD. Certainly.

Mr. MORTON. I presume the Senator refers to the remark I made yesterday. I believe I used the word "decency," but I used it as I intended to, if I was not so understood, as to the attitude the nation would occupy if it should refuse to make an appropriation to pay the expenses of this Centennial after having invited the nations of the world to come here. I did not intend to reflect upon the motives of any Senator. I believe I have never done such a thing in the Senate. I think I applied the word "mean" perhaps to an amendment that had been offered to the bill requiring the United States first to be repaid in preference to the stockholders or those who had subscribed stock. I did not think well of that amendment; but I certainly had no purpose to reflect upon the motives of any Senator whatever. I merely intended to indicate what would be the position of the nation in my opinion if, after having invited the nations of the world to come here, it should refuse to contribute to the expenses of the Centennial.

Mr. NORWOOD. With great pleasure I accept the explanation of the Senator, and therefore shall omit what I intended to say on that subject. I know the words were used by him, and I thought, in application to those who oppose this bill. I hope, therefore, that this question of patriotism, of a man being patriotic or unpatriotic according to the views he may entertain on this question or the vote that he may cast, will no longer be heard in this Chamber or elsewhere.

Premising that much, I desire now to consider this question calmly, dispassionately, and in the light of law and of reason. The first thing to be considered is the character of the bill. This is a bill to appropriate the sum of \$1,500,000 to complete the centennial buildings in the city of Philadelphia. By the act of June 1, 1872, the Centennial Commission is declared to be—

A body politic and corporate in law, with power to do such acts, and enter into such obligations, as may be promotive of the purposes for which such commission

was established. Its title shall be the United States Centennial Commission. It shall have a common and corporate seal, and possess all the rights incident to corporate existence.

Who, then, is to be the beneficiary of this fund? It is the centennial board of finance, which is a *private corporation*.

I wish to divest this question of the idea that the people are interested in it. It is all a mistake. The people have no interest in a dollar of this million five hundred thousand dollars, except to keep it in the Treasury. It is to be used for the erection of buildings that belong to a private corporation. This fact is not questioned by any friend of this bill.

Then, second, what is the purpose of the fund? Why, sir, it is to be used in a private speculation. To make this clear, let us look at the act just referred to. Section 10 is as follows:

SEC. 10. That as soon as practicable after the said exhibition shall have been closed it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets *among its stockholders pro rata*, in full satisfaction and discharge of its capital stock.

Thus we see that this appropriation is not only for a private corporation, but it is for the exclusive pecuniary benefit of the stockholders in that corporation. They can apply the fund as they see fit. If they erect buildings they will belong to that corporation, and the proceeds of sale, if the buildings should be sold, will go to the stockholders.

The delusion is cherished by many that this money is to be appropriated to celebrate the Declaration of Independence, while others know it is for the exhibition of the arts and manufactures. Whether it be for either, or whether it be for both, in my judgment, after mature consideration, the appropriation finds no warrant in the Constitution. Has Congress the power, and this is the naked question, divested of all garniture, to appropriate money to be used by a private corporation in a private speculation for its own benefit? That is the whole question, and I now come to a consideration of the constitutional view of it. It is not pretended by any friend of this measure that there is any direct grant of power in the Constitution authorizing this appropriation. There is not a clause in the Constitution to which any friend has pointed as containing a direct power to appropriate money either for a celebration or for the exhibition of the arts and sciences. Consequently the only way in which the power can be arrived at is by construction; and it is a singular fact that, in looking for the power upon which to support this bill, there are but few of its friends who agree. It is sought by some in the first clause of section 8 of article 1. It is sought by others in the power to regulate commerce. It is sought by others in the preamble to the Constitution. It is sought by others still in the powers that relate to foreign countries, and others find it in the treaty-making power.

To say the least of it, that must be an exceedingly doubtful power of Congress which the friends of a measure have to fish for in six or eight different clauses of the Constitution.

As to the first clause of section 8, article 1, of the Constitution, I say that the history of that clause shows that no such power is given by it. That clause when first introduced in the convention was in the following words. I quote from the Madison Papers, page 1485:

September 4 * * * Mr. Brearly, from the committee of eleven, made a further partial report, as follows;

The committee of eleven, &c.

Reported the clause in these words: *

The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

It will be observed in that clause, the qualifying clause, which is in the Constitution, to wit, that "duties, &c., shall be uniform," is omitted; and that after the word "excises" the word "to" comes as a continuation of the sentence, being only separated from the word "excises" by a comma, just as in the clause we are now construing. But when we come to look at the grammatical construction of that clause, we find indubitable evidence impressed upon it by the education and the common sense of those who framed it that they never intended that the clause which is relied upon, to wit, "to pay the debts and provide for the common defense and the general welfare of the United States," should give a substantive and a separate power to Congress. Looking at the grammatical construction, we find the following reasons for the meaning I claim the framers of the Constitution had in mind:

First. That in section 8 of article 1 of the Constitution there are eighteen separate paragraphs.

Second. Each of these paragraphs contains a separate and distinct grant of power.

Third. Each paragraph thus containing a distinct grant of power begins with a capital letter, as though it were a complete and distinct sentence. And in the original draught of these several powers submitted to the convention, each paragraph was a complete sentence, because it was terminated by a period.

Fourth. Each paragraph as at present punctuated terminates with a *semicolon*.

Fifth. The first semicolon in the first paragraph (the one under consideration) is placed, not after the word "excises," but after the words "United States."

Sixth. The words in the first paragraph which are a limitation on the power to lay and collect taxes come *after* the portion of the paragraph which it is claimed gives a distinct and substantive grant of

power, to wit, the words "to pay the debts and provide for the common defense and general welfare of the United States." Had the words to "provide for the common defense and general welfare" been intended to give a substantive power, they would not have been placed *between* the words giving the power to collect taxes and the words which qualify that power by prescribing the manner in which taxes shall be levied.

Again, the reading which makes the expression, "to pay the debts and provide for the common defense and general welfare of the United States" a substantive power is a cruel criticism on the common sense of the framers of that matchless piece of mental mechanism; for it makes them declare solemnly that, as a *separate* power, Congress shall have the right "*to pay the debts of the United States.*" For, if the words relied on, to wit, "to pay the debts and provide for the common defense and general welfare of the United States" give a substantive grant, they include three distinct grants of power. The first is, "to pay the debts," the second, "to provide for the common defense," and the third, "to provide for the general welfare of the United States." The convention had already provided that all legislative powers granted in the Constitution should be exercised by Congress and that money should be raised by taxes imposed by Congress; and yet we are told that those wise men intended to provide further that, with all legislative power under its control and with the money in hand collected by taxation, Congress should have the power to *pay the debts of the United States.* What other power in the Government did those sages suppose would pay the public debts that made it necessary, in their solemn judgment, to grant that power to Congress as a power distinct and separate from the power to collect taxes? No, sir, these words were intended only to specify the purposes for which the power to collect taxes was given and that the money thus raised was to be used only in paying the debts and for the common defense, (as by supporting the Army and Navy,) and for the general welfare as pointed out in the various clauses which follow in section 8. For, to regulate commerce, to establish rules for naturalization, coin money, establish post-offices and post-roads, and other powers thereafter named were intended for the general welfare.

But another and fatal objection to this reading is, that it renders nugatory and useless all other grants of power contained in this section; for, if "to provide for the common defense and general welfare" does not mean that the power is to be exercised in the manner pointed out in the several paragraphs of section 8, then there is no limitation on the discretion of Congress as to how and when and to what extent it may go in providing for the general welfare of the United States.

Again, and lastly on this head: When the people had the Constitution under consideration to ratify or reject, objection was made to

this clause in section 8, that it gave Congress unlimited power and discretion in providing for the general welfare. Mr. Madison met the objection in the following language, to be found in the fortieth number of the *Federalist*:

Some, who have not denied the necessity of the power of taxation, have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay" and collect taxes, duties, imposts, and excises, to pay "the debts and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction. Had no other enumeration or definition of the powers of Congress been found in the Constitution than the general expressions just cited, the authors of the objection might have had some color for it; though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents or the forms of conveyances, must be very singularly expressed by the terms "to raise money for the general welfare."

But what color can the objection have when a specification of the objects alluded to by these general terms immediately follows, and is not even separated by a longer pause than a semicolon? If the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it, shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification whatsoever? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power?

Nothing is more natural or common than first to use a general phrase and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity, which, as we are reduced to the dilemma of charging either on the authors of the objection, or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter.

The objection here is the more extraordinary, as it appears that the language used by the convention is a copy from the Articles of Confederation. The objects of the Union among the States, as described in article 3, are, "their common defense, security of their liberties, and mutual and general welfare."

The terms of article 8 are still more identical. "All charges of" war, and all other expenses, that shall be incurred "for the common defense, or general welfare, and" allowed by the United States in Congress shall be "defrayed out of a common treasury," &c. A similar language again occurs in article 9. Construe either of these articles by the rules which would justify the construction put on the new Constitution, and they vest in the existing Congress a power to legislate in all cases whatsoever. But what would have been thought of that assembly if, attaching themselves to these general expressions, and disregarding the specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the common defense and general welfare?

I appeal to the objectors themselves, whether they would in that case have employed the same reasoning in justification of Congress as they now make use of against the convention.

How difficult it is for error to escape its own condemnation.

But I will consider these words as containing a distinct grant of power. If that be true, then what follows? Does it not follow that this power can only be exercised by Congress, and that it is taken from the States and from the people of the States? Does it not follow that this power is an exclusive power? Who can provide for the common defense except the United States through Congress? No State can provide for the common defense. That one fact was the main reason that induced the States to form a Constitution; because each one was unable to protect itself, and they could not protect each other. I say, therefore, that if this be a substantive power it is an exclusive power, because, in the nature of our Government, it can only be exercised by the General Government. Then if it be an exclusive power, and the power to celebrate the Declaration of Independence is derivable from and is an incident to that power, it follows as an inevitable, logical sequence that the power to celebrate the Declaration of Independence is taken from the States and from the people.

Mr. President, that brings the question to its logical absurdity. To say that the people and the States cannot exercise the right of celebrating the Declaration of Independence is simply absurd. But I say that it is not absurd, but it is strictly logical that, if the Congress of the United States can under this grant of power derive authority to appropriate money for that celebration, it must be only because it is one of the means necessary for the common defense and general welfare, and the United States alone can provide for the common defense and general welfare of the whole Union. Neither the States separately nor the people can exercise this power, and neither, therefore, can exercise any power derivative from this power. And hence, the power to appropriate money for this celebration being derived from the power to promote the general welfare, neither States nor people can provide for this celebration. Hence we must see that the right to provide for this celebration is not one of the methods by which the power to provide for the general welfare is to be used.

But, sir, it is further said by some that the United States Government has the inherent power as a nation to celebrate the anniversary of its birthday. I propose very briefly to analyze that proposition. For the sake of the argument, and only that, I concede that the United States are a nation; then the question arises how do they come to be a nation? What has made them a nation? They were not a nation before the adoption of the Federal Constitution. If they be a nation, then they are made so by the Constitution; and if made so by the Constitution, I dare say there is no one, however liberal, federal, or radical, who will maintain that they are any more a nation than they are so constituted by the Constitution itself. If that be true, we have to look to the Constitution to find the power which we as a nation can exercise in celebrating our Declaration of Independence.

Now, sir, what is this nation according to the Constitution? We have a judicial, an executive, and a legislative branch—three departments that make up the nation. It is very evident that the executive is not the nation. It is equally clear that the judicial department is not the nation. It is equally clear that Congress is not the nation. So, what has become of the nation? Where is your nation that can appropriate money to celebrate the Declaration of Independence by virtue of an inherent power? Your nation has dwindled into the Congress of the United States. The power you are seeking to exercise as a nation is finally to be sought for in the power to levy taxes, and collect money, and make appropriations, and the only department of the Government that can do these acts is Congress. It is suggested by my friend on the left [Mr. EATON] that, if this bill should happen to be vetoed, where would be the inherent power of your nation? Your nation grows smaller and smaller. The nation has dwindled not only into Congress but your nation is controlled by the veto power, and must get two-thirds of its number to concur before it can exercise an *inherent* right. And yet there is an inherent power in the nation to appropriate money to celebrate the Declaration of Independence! So that those who seek for this power in the nation, after traveling round and round in following this illusion, finally come right back to the point whence they started; and that is the power of Congress to appropriate money for a celebration.

But, sir, there is another class of interpreters of the Constitution who find the power to pass this bill in the general powers granted to Congress to be exercised in our foreign relations. They admit that the powers which are granted to Congress to be exercised between the States and the citizens of the States are limited, but they assent that, when we look at the powers that relate to foreign governments, that establish relations between the United States and foreign countries, all the powers are unlimited; and it is as if we stood upon the shore and looked out upon the boundless horizon with nothing to obstruct the view.

In the first place I deny the proposition that this class of powers is unlimited. There are many things which we, as a Government, cannot do that other nations can. But, admit that those powers are unlimited, then what follows when we come to consider the manner in which those powers are to be exercised? The exercise of those powers must have a reasonable intendment. They must be construed with reference to the objects for which they were granted. They were granted for the purpose of regulating the relations between the United States as a Government and the governments of foreign countries. They were intended to *establish* relations between foreign governments and the Government of the United States. They were intended to secure something that would be beneficial and would be

permanent. They were intended to be exercised according to law and in pursuance of law. Now, does this bill establish any relations between the United States and any foreign country? Is there anything secured to this Government in its relations to any other government by this bill? Does it establish, affect, or abrogate a treaty? Has it any relation to foreign governments? Sir, the operation of this bill terminates in the centennial commission of finance, and when that is closed what will be left of this law? When those who are drawn here by the courtesy of this Government; when those who will be exhaled from the great ocean of humanity by the burning zeal of this central sun in our solar system, shall gather and condense upon our shores and disappear again like vapor, what will there be left of this legislation? Any law? Any relations established between this Government and a foreign government? No, sir. There will be nothing left but the empty vision of a gorgeous pageant.

But, Mr. President, I have been considering the different grounds which are assumed by the friends of this bill when they are seeking for power upon which to found it. I now come to consider what I believe to be the true question involved in this case. I do not think that the question arises out of the power of Congress to provide for the general welfare, or from the power to regulate commerce, or from the power of Congress to establish foreign relations; but in my opinion there is a clause in the Constitution which controls and forbids action by Congress on this bill.

By referring to the legislation on this subject we find that this exhibition has not been gotten up to celebrate the Declaration of Independence. That is all a sham. The first act provides for "celebrating the one hundredth anniversary of American Independence." How? Why, "by holding an international exhibition of arts and manufactures, and products of the soil and mine." The centennial of our Independence is to be celebrated; but it is to be celebrated by an exhibition of the products of the arts and the sciences. This fortunately divests this question of all sentiment, of all patriotism. The centennial celebration of the Declaration of Independence is not even a secondary consideration. We are simply to exhibit to the world what we have accomplished in the arts and sciences.

Now, sir, I invite the attention of the Senate to a consideration of the question, whether there is not a limitation in the Constitution on the power of Congress to appropriate money to patronize the arts and sciences by erecting halls at Philadelphia or elsewhere? Has Congress the power to patronize the arts and sciences of foreign countries? Can we do indirectly that which we cannot do directly? Can we promote the arts and sciences of the subjects and citizens of other countries more than we can those of our own? None will dare assert it. Then, sir, if that be true, I say that there is a direct and positive lim-

itation upon the power of Congress and of the United States Government to patronize the arts and the sciences, or either, even to benefit the citizens of the United States, and that the limitation is contained in the eighth clause of the eighth section of the first article of the Constitution, which is in these words:

Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Now, if the power of Congress to promote the progress of science and the useful arts is limited by the Constitution, we have no authority to go beyond that limit. Has a limit been fixed? The provision is that Congress "may promote the progress of science and the useful arts." This clause was inserted after the maturest consideration upon two or three clauses of this character that were introduced and submitted to the convention.

On August 18, 1787, Mr. Madison submitted to the convention, among other propositions for its consideration and action, the following:

The power in Congress "to secure to literary authors their copyrights for a limited time;

"To encourage by premiums and provisions the advancement of useful knowledge and discoveries;

"To establish seminaries for the promotion of literature and the arts and sciences."

It will be observed that all these several propositions relate to the arts and sciences.

The first was to secure copyrights to literary authors; the second to encourage "useful knowledge and discoveries," which mean nothing else than the arts and sciences; and the third to promote the arts and sciences. Thus we see that the question of promoting the arts and sciences in three different methods was considered and decided on by the convention. And what was their decision? Was it to establish seminaries for that purpose? No, sir. Did they decide to give Congress power to erect magnificent halls for that object? Did they leave the power of Congress over this subject-matter unlimited, to do whatever in their discretion they might judge to be "for the general welfare?" Far from it. We find two positive limitations. By the first they confine any action of Congress to the *useful* arts; and then by the second they restrict the power still further by prescribing the manner and the only manner in which the progress of the useful arts and sciences can be promoted by Congress. They confined it to the power to secure to authors and inventors the exclusive rights to their writings and discoveries. And thirdly they still further restricted even this limited manner of exercising this power by saying, the exclusive right of authors and inventors should exist only for a "limited time."

It is a rule of construction applicable to the Constitution that where a power is given and the exercise of that power is limited to a particular manner, Congress has no right to exercise it in any other manner. If then Congress is restricted to promoting the progress of science and the arts, first, to science and the *useful* arts, second, to securing to authors and inventors the exclusive right to their productions by copyright and by patentright, and, third, to granting an exclusive right for a limited time only, then Congress has no right to patronize or promote science and the arts, that is, *all* arts, in the manner proposed by this bill. And what is an appropriation of \$1,500,000 to erect buildings in which to exhibit the products of science and all the arts, if it is not "to promote science and the arts?" The power to make this appropriation of money already collected by taxation includes the power to tax for the same purpose. The power to make this one appropriation includes the power to levy an annual tax for this purpose. The right to erect buildings to exhibit products of art, carries with it the right to appropriate money from the public Treasury to keep the buildings open and maintain the expense of an annual exhibition. And thus we are drifting. Barrier after barrier is broken down, and power upon power is usurped.

But, Mr. President, it is said that this bill is patriotic. We are just beginning to discover it, at the end of five years. It is said "the honor of the Government is at stake." When the Centennial Commission, about two years ago, asked Congress to pass an act inviting foreign countries to come, we did not think then the honor of the Government was involved. Nothing then was said about the honor of the Government; but, on the contrary, the honor of Congress at that time seemed to be somewhat involved, at least we thought so, and we took the precaution to put upon record at that time and for the third time the declaration, not only to the Centennial Commission but to the world, that we did not intend the Government should be responsible for a dollar of this exhibition. It was declared again, when, at the request of this commission, Congress authorized the President to issue his invitation to foreign citizens and subjects to be represented at this international exposition.

Congress denied all liability of the Government again when it authorized the striking off of medals to be used at this exposition, because Congress then declared that the medals themselves should be paid for by the centennial board of finance without any expense to the Government. Yet some change seems to have come over the spirit of the dreams of Senators. Senator after Senator has risen to state that he has changed his mind on this subject.

Mr. RANDOLPH. May I interrupt the Senator from Georgia?

Mr. NORWOOD. Certainly.

Mr. RANDOLPH. By what authority does Congress award medals

and give them to those who have performed a meritorious or patriotic act?

Mr. NORWOOD. I will answer the Senator by saying that I will not follow the Senator or the Senate into the doubtful field of precedent to find authority upon which to base my action and my vote. I stand upon the Constitution and its plain letter, which is the lamp that is to guide my feet; and if I do not find it there, I will not wander upon the uncertain limits of the Constitution, into the twilight of truth and error, to grope in seeking for a power that we may exercise for an act which is, to say the least of it, doubtful legislation. Precedent after precedent, such as the Senator on my left has called my attention to, can be cited, for which there is no grant of power in the Federal Constitution. I do not seek for it; I do not justify them; I will not follow the *ignis fatuus* of legislative precedent which ever hovers upon the confines of the Constitution and beyond its confines, and over the bogs and quicksands that lie beyond, and where, when we venture, we must inevitably sink. Had I been a member of Congress when the appropriation was asked for to defray the expenses of attending the exposition at London, at Paris, and at Vienna, I should have refused my vote to those bills. And the reason is, as already stated, that the Constitution limits the power of Congress to promote science and the useful arts by the exercise of its power in a particular manner, and in that manner only.

I have already shown that one of the three propositions submitted by Mr. Madison, and considered and rejected by the convention, was to give Congress the power to bestow premiums, which, of course, includes medals.

Mr. RANDOLPH. If the Senator will allow me, by what authority does Congress grant or did Congress grant pensions to the widows of soldiers?

Mr. NORWOOD. I have no objection to answering that question; but, as I said before, all these questions are aside from the issue that we are considering. I answer him by asking what right Congress has to raise an army? By a power granted in the Constitution. Who constitute the army? Soldiers. Does it not necessarily follow that if we have the right to raise an army, and soldiers make the army, we have the power to provide for our soldiers; and is not a pension one of the provisions for soldiers?

There is no use to dally upon questions of this character. The question is simply this; it is nothing more and it is nothing less; Shall we in construing the Constitution grasp at and usurp a power to be exercised in promoting the arts and sciences which the convention had under consideration and expressly refused to incorporate into the Constitution? More than that; waiving the question of the consideration by the convention, waiving the light that is thrown upon the Consti-

tution by their deliberations, and taking the Constitution in its plain letter as we read the English language, as men of common sense and men of liberal education enlightening that common sense, I say that language limits the power of Congress over the arts and sciences to the exercise of it in a particular way, and Congress cannot exercise that power in any other manner.

But, Mr. President, returning from this diversion, I say the dignity and honor of Congress are more involved in this question than the honor of the United States. We have said four several times that the United States would not be responsible to the extent of a copper in carrying on this exhibition, and, after having denied to the Centennial Commission a dollar until last year, are we now to yield? Are we to say to them that, notwithstanding we have incorporated into this bill the very language which we have used time and again before, we do not mean what we say?

For one, I am not willing to publish to the world that we have never intended what we said and that we do not mean what we say now. We are now surrendering, and in the very moment of surrender declaring that we will never surrender again. Our stout refusal and our surrender appropriately suggest a paraphrase of the language of Gloster—

Was ever *Congress* in this humor woo'd?

Was ever *Congress* in this humor won?

From \$500,000 given last year we now jump to three times that amount, and I put the prediction upon record, and I think that time will vindicate my judgment, that the next session of this Congress will witness an application to this body for as much or more than we are now called upon to appropriate, to defray the expenses of this exhibition and "to protect the honor of the United States."

How has the honor of the United States become involved in this matter, I would like to know? I listened in vain for the chairman of the committee to explain. He said the honor of the Government is involved. Do we expect the governments of other countries to be here? Do we expect the heads of governments to be here? Does any gentleman here flatter himself that he will look into the faces of kings and emperors, of sultans, sultanas, and pashas? They have not been invited, in the first place; in the second place they will certainly not come; and, in the third place, those who are coming will come to exhibit their property in the form of products of art and manufactures; and those who have not these things will not be here except as idle spectators, and they will pay their way. It is a matter of history that the expenses of this Government—and when I say Government I mean those who went to represent the Government at London, Paris, and Vienna—were not paid by those respective cities and governments. Our people paid their own way like true independ-

ent Americans. They paid their money, went where they pleased, exhibited their wares and their handiwork, and returned home with their premiums. So it will be with those who come from foreign countries here. They are coming here to exhibit their manufactures and to compete for premiums, and those who have none to exhibit will not come. How, then, is the honor of the country involved? Is it because we have not made provision in the buildings for exhibiting their arts and their manufactures? Before the invitation was extended the governor of Pennsylvania notified the President that ample provision was made for the buildings, and if the buildings are not ample the honor of the United States is in no sense involved and cannot be compromised.

But, Mr. President, I pass from this view of the subject to say a few words on the effect of legislation like this. I believe it will be for evil, and evil only. Its baleful influence will reach far into the future. It is, in my opinion, not consistent with the character of the American people; it is not republican; it is imperial; it is a fungus growth, and not a healthy product of this Constitution. I had always believed from my early youth that there was something in the mission of the American people among the nations of the earth like that of the Jews, who were the chosen people of God. I believe our mission is to level the mountains, to raise the plains, and to make smooth and straight the way; that we are the pioneers, the advance guard of human freedom.

Already have our pickets, following the sun in his course, reached the eastern shores of China and Japan, and taken possession of the islands of the seas. With the banner of the cross in one hand and the flag of their country in the other, they are parting the jungle and straining forward to reach the benighted and the oppressed. Behind us the millions in the Old World are sleeping under the tyrant's spell. But they are lying in bivouac, and now and then, as the dawn draws nigh and sleep sits lighter on their eyelids, bright dreams of perfect freedom in a land of *constitutional law* come to them "in visions of the night" and beckon them away; and, quickened by the joyful longing, they start and wake and try to rise. If we will be true to our faith, to constitutional law, and hold up with steady hand our noble ensign, at the reveille of freedom they will rise in majestic order and follow the standard which we, in the New World, have raised and advanced on high.

But, sir, why has our standard been thus advanced? Why do a hundred years their radiant wings expand around it? Why has America, during one century, so far surpassed the states of the Old World? Are we not Englishmen by origin? Are we not a composite people—English, Irish, Scotch, German, French? Why then have we done more than all the mother states in the arts and sciences, in sub-

duing nature, destroying space, reclaiming the wilderness and desert, in missionary work, and, generally, in the great labor appointed to men and nations—the amelioration of the condition of mankind? Is it accidental? No, sir; no. It is the result of American civilization, and this is due to the form and spirit of our Government, which is a government of law. Complex in form, it is, nevertheless, easy and steady in its movement. Rightly administered, it is invisible to the citizen, and, like the atmosphere at rest, bears equally on all and oppresses none. It leaves the citizen free; free as the casing air, to grow in independence, to expand in manhood, and *to stand alone*. Were I to attempt to describe the character of an American in one word I would sum it up in *self-reliance*. Self-reliance is the spirit and soul of self-government. It is photographed in the Constitution. The people in that covenant said but two things: “Protect us against foreign foes and State against State, and leave us free; let us alone.” This spirit burns in the very words which deny our right to pass this bill. For the people said to Congress, “All we require you to do to promote the arts and science is to protect the products of our brains and our hands against piracy and infringement, by copyright and patent-right. We ask no more and we intend you shall do no more; for each and every power not herein delegated to you we expressly reserve to ourselves.”

It was self-reliance that nerved the few patriots at Mecklenburgh to issue the first declaration of American Independence. It heaved the tea into Boston Harbor. It was this that made the undaunted Moultrie reply to his despairing commander, “Colonel, *I’ll hold the fort*.” It gave as a rich legacy to American history the fame of Sergeant Jasper, Daniel Boone, Lewis of Virginia, and a thousand like intrepid spirits, and it equipped the soul of Marion, the swamp-fox of the Revolution, and made him an army in himself. Over the deserts, through the wildernesses, under burning suns whose kiss is contagion, and over Arctic fields of ice it has sustained the missionary who, in bearing his message from the Father that there is a rest, a home for the weary soul, tells also the oppressed of a refuge in a land on which no tyrant’s foot for a hundred years has trod. But for this characteristic of Americans the Declaration of Independence, whose centennial marks the grandest epoch in time, save only the Savior’s incarnation, could never have been possible.

And, sir, shall we perpetuate this spirit or shall we destroy it? If you would strike it down, pass this bill. Pass it, and teach the people that henceforth they must lean upon the Government, and not the Government on them. Teach them that individual enterprise and self-reliance are no longer profitable. Teach the Fultons, the Morses, the Cyrus Fields that the highway of genius to fame and fortune no longer lies through want, privation, and the throes of thought in labor, but that it leads through the lobby to the Halls of Congress. Let the

poor see that the sweat of their brow, transformed into gold, is dealt out by the Government to the rich to make them richer. Establish fête-days and festivals at the public expense, as did the Roman consuls when moving for empire, and soon the Lupercal will be followed by the Saturnalia. No, let us rather in this Centennial reconsecrate ourselves to law—to constitutional law—which is our only hope. As patriots—not as partisans—as sons who have received from our fathers a rich inheritance, as fathers whose offspring must suffer by our departure from law, let us not wander beyond the confines of the Constitution, or to its uncertain limit, to search for doubtful power to do a useless act. This legislation has that “increase of appetite” that grows by what it feeds on. If we yield now, where is the resolution, the will that can stay this pressure to reach the public Treasury? Schemes, devices many and plausible, will meet you at every turn and press this poisoned chalice of “the general welfare” to your lips. And who that takes this step in the dark can refuse to take another?

But, should any friend of this measure ask whether I favor a celebration of the Declaration of American Independence, I tell him yes; but the celebration I desire to see and for the world to witness is far different from the one he is seeking to provide. He would diligently search for what at best is a doubtful power, and exercise it to get at the public Treasury. He would lay his hands on the money of 40,000,000 people without instructions as to how they wish the celebration conducted, and hand it over to a private corporation to be used and spent as a few privileged members may see fit. He would deliver over \$1,500,000 of the public money to be spent for one reading of the Declaration of Independence and one oration at one spot. He would tax the people of Georgia \$45,000 to be spent in Philadelphia alone, for the benefit of the few, when not one in one hundred of the people of that State will be able to visit the scene where their money will be squandered. He would suppress an exhibition of the general joy by telling the people their money had already been taken to provide a vicarious demonstration in Philadelphia. He would substitute a purchased ceremony for a heart-felt, patriotic outburst. He would set the example of the Government assuming control of the celebration of the Fourth of July and discourage the accustomed annual celebration by the people.

Such is not my idea of what the scene should be on that memorable day. I would have it a simultaneous movement of forty million people along the continent. It should begin as the gray dawn first lights up the cliffs of Maine and rise and roll with the sun in deafening shout and tumult, until his parting smile, as if in sorrow at leaving a scene so happy, saddens and fades into the gloom of night. As the lark watching for the purpling East springs from its nest with merry note; as the mocking-bird rises on buoyant wing and joyously revels

in the melody of its own song; so would I hear the children of this land, the future mothers and statesmen of America, as they rise on that morning, pour out their hearts in one universal carol. The husbandman should leave the field, the mechanic his bench, the lawyer his brief, the clergyman his study, the furnace and spindle hush their hum and clang, and busy commerce furl her sails. If American oratory has not lost its spell; if its silver tongue has not been enchanted into silence by the golden wand, the inspiration of the day and theme should kindle every habitable grove with burning words. "Not in Jerusalem, nor in this mountain;" not in Philadelphia, nor alone in Independence Hall, but wherever the flag of our country is given to the breeze, should Americans do honor to the day that ushered into being the infant Messiah of nations. Beneath our feet in the Celestial Empire, in the islands of all the seas, before the face of kings, the scattered sentinels and disciples of freedom on that day should testify their faith by fitting sacrifice.

Let this celebration be grander in moral sublimity than the celebration of the Greeks on the banks of the classic Alpheus, where those who were lately foes met as friends and their wrongs were forgotten. Let it be more joyous than the song and dance of the Jewish hosts on the banks of the Red Sea. Let it be freer than the jubilees of Israel and prouder than the proudest triumphal march of Roman emperor. Thus, and only thus, can we give a fitting testimony to mankind of our joy over the declaration of our right to be free and of our admiration and love for the heroes by whose sacrificial blood our freedom was secured and constitutional government established and maintained.



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